

SENATE BILL NO. 2249

Introduced by

Senators W. Stenehjem, Lyson

Representatives Hawken, Nottestad

1 A BILL for an Act to amend and reenact sections 12-54.1-01, 12-54.1-03, and 12-54.1-04 of the
2 North Dakota Century Code, relating to sentence reduction for good or meritorious conduct.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12-54.1-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-54.1-01. Performance-based sentence reduction.**

7 1. Except as provided under section 12.1-32-09.1, offenders sentenced to the
8 penitentiary or any of its affiliated facilities are eligible to earn sentence reductions
9 based upon performance criteria established through penitentiary rules.
10 Performance criteria includes participation in court-ordered or staff-recommended
11 treatment and education programs and good work performance. While
12 incarcerated in the penitentiary or any of its affiliated facilities, an inmate may earn
13 five days good time per month except for any sentence where the incarceration
14 time is six months or less.

15 2. Except as provided under section 12.1-32-09.1, offenders sentenced to a
16 correctional facility are eligible to earn sentence reductions based upon
17 performance criteria established through the administrator of the correctional
18 facility. The criteria must be substantially similar to the performance criteria
19 established by the penitentiary. While incarcerated in a correctional facility, an
20 inmate may earn five days good time per month except for any sentence where the
21 incarceration time is thirty days or less.

22 **SECTION 2. AMENDMENT.** Section 12-54.1-03 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **12-54.1-03. Meritorious conduct sentence reduction.**

1 1. Except as provided under section 12.1-32-09.1, offenders sentenced to the state
2 penitentiary or any of its affiliated facilities may be awarded, as provided by
3 penitentiary rules upon written recommendation of a penitentiary multidisciplinary
4 team, lump sum or a monthly rate of meritorious conduct sentence reductions for
5 outstanding performance or heroic acts or as a special control and security
6 measure. ~~Such~~ These sentence reductions are in addition to sentence reductions
7 under section 12-54.1-01 and may be made only after a written recommendation is
8 made by the warden and approved by the director of the department of corrections
9 and rehabilitation. Any sentence reduction for special control or security measures
10 may not exceed two days good time per month per inmate.

11 2. Except as provided under section 12.1-32-09.1, offenders sentenced to a
12 correctional facility may be awarded, as provided by rules made by the
13 administrator upon written recommendation of a member of the correctional facility
14 staff, lump sum or a monthly rate of meritorious conduct sentence reductions for
15 outstanding performance or heroic acts or as a special control and security
16 measure. The rules adopted by the administrator must be substantially similar to
17 the rules adopted by the penitentiary for meritorious conduct. The sentence
18 reductions are in addition to sentence reductions under section 12-54.1-01 and
19 may be made only after a written recommendation is made by a member of the
20 correctional facility staff and approved by the administrator of the correctional
21 facility. Any sentence reduction for special control or security measures may not
22 exceed two days good time per month per inmate.

23 **SECTION 3. AMENDMENT.** Section 12-54.1-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **12-54.1-04. Basis for meritorious conduct sentence reduction.**

26 1. Meritorious conduct sentence reductions may be awarded for any of the following
27 performances or acts:
28 4- a. Exceptional quantity and quality of work far beyond normal expectations for
29 the job assignment.

